

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

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OFFICE OF THE REGIONAL HEARING CLERK

IN THE MATTER OF: )  
 ) Docket No.: CWA-04-2009-5502  
Pamela L. Long )  
Gulf Breeze, Florida )  
 )  
Respondent: )  
\_\_\_\_\_ )

ORDER TO FILE AND SERVE EXHIBITS

By Motion for Default Judgment ("Motion") dated June 4, 2010, Complainant, U.S. Environmental Protection Agency ("EPA"), Region 4, seeks issuance of a default judgment pursuant to Sections 22.16 and 22.17 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation of Suspension of Permits ("Consolidated Rules"), 40 C.F.R. §§ 22.16 and 22.17. Specifically, Complainant moves for a default judgment a) finding Respondent, Pamela L. Long, liable for the discharge of dredged or fill material into waters of the United States without complying with the permitting requirements of section 301(a) and 404(a) of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1344(a); and b) assessing a penalty of \$130,000 against her for the alleged violations.<sup>1</sup> The basis for Complainant's Motion is Respondent's alleged failure to file an Answer to a Complaint as required by Section 22.19 of the Consolidated Rules, 40 C.F.R. § 22.19. The Motion is accompanied by Complainant's Brief in Support of Motion for Default Judgment ("Brief").

Complainant's Brief references 10 Exhibits, none of which were served upon the undersigned at the time of service of the Motion on October 25, 2010. Inquiry with the Region 4 Hearing Clerk, Ms. Patricia Bullock, reveals there were no exhibits accompanying the Motion filed on June 4, 2010, and none are contained in the Administrative Record at this time. Furthermore, it is unknown whether the exhibits were attached to the copy of the Motion served upon Respondent. In accordance with Section 22.5(a) and (b) of the Consolidated Rules, 40 C.F.R. § 22.5(a) and (b) respectively, if those exhibits are to be taken into consideration they need to be filed with the Regional Hearing Clerk and served upon the undersigned and Respondent.

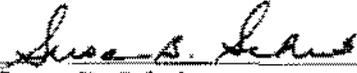
IT IS ORDERED:

1. If Complainant seeks to have the aforementioned exhibits taken into consideration in this matter, on or before **November 19, 2010**, Complainant is to file them with the Regional Hearing Clerk and serve them upon the undersigned Presiding Officer in accordance with 40 C.F.R. § 22.5(a) and (b);

<sup>1</sup> Complainant seeks, alternatively, a finding that Respondent's failure to admit, deny or explain any of the material factual allegations contained in the Complaint is an admission of those allegations.

2. Counsel for Complainant is to confirm in writing whether the Exhibits accompanied the Motion served upon Respondent on June 4, 2010. If they were not so served, Respondent is to be served copies of the exhibits as well, no later than the date set forth in paragraph 1 above.

Date: Nov. 9, 2010

  
\_\_\_\_\_  
Susan B. Schub  
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Order to File and Serve Exhibits, in the Matter of Pamela L. Long, Docket No., CWA-04-2009-5502, on the parties listed below in the manner indicated:

Certified Mail

Return Receipt Requested:

Pamela L. Long  
1206 Soundview Trail  
Gulf Breeze, Florida 32561

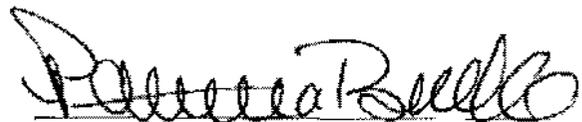
Mr. Jim Stoutamire  
Florida Department of Environmental Protection  
Twin Towers Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Via Intra-Office Mail:

Kevin Smith, Esq.  
Senior Attorney  
U.S. Environmental Protection Agency  
Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Laurie Lindquist  
Wetlands Enforcement Section  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Date: 11-9-10



Patricia A. Bullock  
Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
404/562-9511